

**LAW OFFICES OF D. JEANNINE KELLY**

322 E. Broadway  
Alton, Illinois 62002

April 7, 2004

Mr. Mike Joyce  
Community Involvement Coordinator  
Office of Public Affairs (P-19J)  
EPA Region V  
77 W. Jackson Blvd.  
Chicago, IL 60604-3590

Re: In the Matter of: The Hartford Area Hydrocarbon Plume Site

Dear Mike:

As you are already aware, Randy Gori, a partner of the firm Goldenberg, Miller, Heller & Antognolli and I represent approximately 70 property owners in Hartford. This letter addresses some of the concerns our clients have expressed regarding the Administrative Order on Consent ("AOC") issued by the USEPA requiring certain oil companies to perform certain activities with respect to the petroleum plume in Hartford, Illinois. The questions our clients have are the same questions they have had for years. "When is someone going to do something to protect us from the vapors from the petroleum lake beneath our properties and from the potential fires and explosions that have occurred in the past as a result of such contamination? When is someone going to take responsibility for this huge problem?" Our clients are frustrated and extremely concerned about the health and wellbeing of their families and of themselves and are skeptical as to whether the terms of the AOC will adequately protect them from the vapors invading their homes. Quite frankly, based on the inadequacies of the 1978/1979 recovery wells and the vapor recovery system installed in 1992, our clients question the adequacy of the current requirements. Some of the questions they have are as follows:

If the government is not sure what the vapor levels are in these homes or what homes are impacted, why not take the most protective approach and give the residents an option of having a vapor recovery system installed in their homes or require the oil companies to relocate these people until a final remedy is achieved? Doesn't the EPA have the authority and duty to do so based on the imminent and substantial endangerment to health and the environment from this contamination? Why is it necessary to do more investigation before implementing the interim measures? Why not implement the measures and then do the investigations?

In May of 2002, heavy rains and the rising water table forced at least four families from their

Mr. Mike Joyce

April 7, 2004

Page 2

homes because of the vapors invading these homes. Two of the families stayed in a motel for over a month while their homes were ventilated. It is thought that other families should have been evacuated, but probably did not report the smells - most likely because they had become accustomed to the smells and they "learned to deal with them". The vapor levels in these homes were at levels considered hazardous and unsafe. The Illinois Department of Public Health conducted a public health assessment and concluded that vapor intrusions such as these posed a public health hazard.

In February of this year, we sent the oil companies a letter stating that we had 5 clients who would volunteer for the pilot test vapor mitigation system in their homes. We felt that these were representative homes and that it was important to set up a pilot test as soon as possible to determine if it would be successful in mitigating the vapors in these homes. They responded in early March that they were not interested in testing any of our clients' homes and that they had two other homes they had selected. The same day we received this letter, one of the families who had volunteered for this study was evacuated from its home. This particular client had reported smelling vapors on various occasions in the past year. We're still not sure what will be done in this home. Also, what is done if there is a lapse in time before sampling and then upon sampling, no vapors are detected? One of our clients smelled vapors one morning and reported the smell, but could not take off work that day for sampling to be performed.

This brings us to another issue. Some of these residents do not smell the vapors even though the vapors may be emanating into the home or they don't report the odor because they have been conditioned to "deal with" the situation. The AOC calls for action to be taken when someone reports a problem. What if the resident doesn't know there is a problem? How is this person protected by the terms of the AOC? Based on our research, it appears that when IDPH sampled certain of our clients' homes, the ground was dry and the resident did not smell anything. Information from our clients indicates that most of them smell "odors" after a rain. Nonetheless, the information from IDPH indicates that there are exposures in these homes even when the residents don't smell anything. Based on these results, it appears some of our clients are suffering from long-term exposures to these vapors that may cause adverse health effects. Why not sample on a continuous basis to quantify true exposures? In addition, the IDPH results do not address cumulative or additive effects of the chemical exposures. There are chronic as well as acute exposures in these homes and it is imperative that something be done as soon as possible to remedy this situation.

Our clients have suffered extreme anguish and distress regarding the fate of their wellbeing

Mr. Mike Joyce

April 7, 2004

Page 3

due to the vapor contamination emanating into their homes from the petroleum lake beneath their properties. Three of our clients have been evacuated over the past two years and probably others should have been, but either do not have the ability to smell the vapors or have been dealing with the problem for so long that they ventilate their homes as they have been instructed to over the years. In addition to the evacuations, some of our clients are experiencing subsidence problems and recent cracks in their ceilings and walls. Two of our clients have oil sheens in their basements when water enters the home. Several of our clients have tried to sell their homes, but have been unsuccessful. We have been told that, in one case, a person could not obtain an FHA loan because of the contamination. One family wants to adopt a child, but is afraid to bring a baby into the home with the uncertainty regarding potential exposures in the home. Several of our clients, including children, have severe headaches and migraines, respiratory problems, difficulty breathing, asthma, and/or burning eyes and throats. A few of our clients experience nervousness and insomnia. One of our clients has a liver tumor and one has cyclic neutropenia. Please keep in mind that this information is not comprehensive or complete.

How long will it take for a final remedy to be selected? How long will it take to be implemented? How long will it take for the final remedy to be accomplished? How are the residents going to be protected while these measures are implemented and accomplished? Also, if our clients choose to have a vapor mitigation system installed in their homes, what is the duration of monitoring, what equipment is necessary for in-home monitoring, what is the noise level of the system, how does one determine if the system is operating appropriately, how long will this system be place, who will perform the monitoring, who pays for the utilities if a system is installed, etc.? Our clients do not want oil company representatives in their homes. Is it possible under the terms of the AOC for the government to perform the sampling in their homes? These are all questions that need to be answered.

I believe the general consensus in local communities has been to ignore the problem in Hartford. It seems the answer in the past has been to shrug off the problem by saying "Oh, that's just Hartford. That's the way it is in Hartford." Shame on those who have responded this way. We strongly urge the government to take all action and means available by virtue of its authority and duty to protect these people on an interim basis while the permanent remedies are being evaluated and implemented. Protect these people on an interim basis by requiring that these people either be moved out until a permanent remedy is accomplished or at least give the residents an option to have a vapor recovery system installed in their homes. The emergency response provisions of the AOC are not protective considering what we know (e.g., there is a lake of free product under much of the

Mr. Mike Joyce

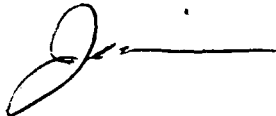
April 7, 2004

Page 4

northern part of Hartford, the conditions in at least this area of town pose an imminent and substantial endangerment to the health and welfare of these residents and to the environment, IDPH test results show there are exposures even when the exposed residents don't smell the vapors) and what we don't know (e.g., when do these vapors emanate into the homes, what are the exposure levels, what are the additive and cumulative effects of these exposures). There are still too many questions unanswered and still too much uncertainty regarding the conditions to which these people are exposed. Please take action now to protect these people! We will be pursuing our clients' private causes of actions, but in the meantime, they need help from the government to protect them from the vapors that invade their homes.

Thank you for allowing us the opportunity to comment on the AOC. We look forward to a response regarding our clients' concerns. If you have any questions regarding these concerns or do not understand a question posed, please contact me at your earliest convenience for further clarification. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Jeannine Kelly', with a long horizontal line extending to the right.

D. Jeannine Kelly

Enclosures

①

March 19-04

I bought my home in December 1969  
+ Spring of 1970. We Smelled a Strong  
odor in our Basement & was told by  
City officials that it was Swamp gas  
that Hartford had. so I opened Basement  
Windows & Vented odor out.

In Spring of 1978 I had two Explosions  
in my Basement. about two week apart.  
burning out Wall in Wash Room.  
and also blew up Sewer lines &  
Sewer had to be replaced which my  
Insurance Paid for.

My Natural gas was shut off for  
about a month. cant Cook & no Hot  
Water.

Refineries offered no Help.

Since 1978 every Spring or when we  
have Heavy rains we have Petroleum  
Smell in Basement & up Stairs so  
we have to open Basement Windows &  
Vent

In 1978 the Oil Companies Promised to  
pump from 1 to 9 Million gallons of gas  
from water table. but that didnt happen

(2)

In 1990-91 More House fires on  
Different Streets. so the Oil Company  
Come up with the Idea of a Recovery  
System which did not fix the Problem.

they have tried Several different Ideas  
but Nothing fixed the Real Problem.

I dont think they will ever fix the  
Problem unless they Pump all the  
gas from water table & contaminated  
Soil from our Property.

We have lived at this home for  
35 years & are concerned about our  
health as My wife & I are Short  
breath & have Head aces & dry  
Mouth & throat & at our age 67 & 68  
the Older you get the harder it is  
On your system.

We think this Matter Should  
be taking Care of Now. Not 10-20-30  
years down the road.

The Oil Company have had their  
Chances to Solve the Problem long  
before now.

So Make them get it right this time

My wife and I have been a resident of Hartford since 1960. At that time there was little talk if any of the environment and its problems. We lived through the time when the companies of Standard Oil - Shell - Wood River Oil & Sinclair and Clark were polluting the air and contaminating the soil and air both. We suffered with burning eyes and nose. The smell was bad and made breathing difficult. Hartford was known as "Stink" town.

In the mornings around 2:00 AM and 4:00 AM dark clouds were seen from burning off oil products. The roar of the smoke stacks could be heard through out the area. It was often said around town that if the heat from the burning off could be harnessed it would heat the entire area.

In 1991-92 Date Street was torn up for a pipe line to take care of the Jones People had to park where ever they could find and we weren't even told before hand that they were going to do any digging. Elm Street has been dug up at least five (5) times because of leaks in the pipes. One time it was working on Elm Street for about a month. Some time they were working day and night with jack hammers, back hoes, powerful flood lights, and trucks and front loaders. We were never told why they were always digging and if there was a danger to us. My question is why has it taken so long to get any thing done? The EPA,

IEPA, Oil Companies, And even the Federal government, And the City of Hartford were all aware of the problem here in Hartford because we had houses to burn down or catch fire. we have had this problem for at least twenty five (25) years I have asked this question many times. When is someone going to do something? I am still waiting for an answer.



To Whom It May Concern;

For the past 7 years we have lived in Hartford, IL. One Sunday morning we were woke up @ 5a.m to find Police and Fire trucks in the front of our homes telling us that some kind of pipe broke under our street. We were all told we could not leave in our vehicles until the refineries could find a way to pull our cars out of the liquid that was running down our street. Around noon-1 p.m. that day our cars were moved so we could leave. We were told it would take a little while to find the problem and fix it. Approx 2 months is what it took to fix the problem on our street! Driveways blocked off, big holes dug in the middle of the street, the whole road blocked off were we had to park at the end of the street and walk to our homes. This was just the first time we had a problem since we moved to Hartford. The refineries answer to our inconvenience was to have our cars cleaned and give us a coupon for dinner at Moonlight. That was all fine a dandy until a year later the same crew was in our front yard again. No liquid on our street this time but they had to dig the big holes again, block the driveways, and the streets. This has happened so often on our street in the past five years the crews that come out now, joke about having to work on "THE NIGHTMARE ON ELM STREET" The issues that have been addressed to you are valid issues, Think about this, How would you feel if you paid your taxes every year and for approx 6months-1yr. out of the past 5 yrs you could not use your own driveway, and your children could not play in the yard because there is a big whole in the street in front of your house. This is not to mention the machines coming up and down the streets at all hours, the bright lights from the crews working late into the night, the noisy machines left running all night. Then the issue of the fumes while the big wholes are open! This has been a constant problem for our home for 5 years now. Since all of this began we now have problems inside our home with large cracks in our living room and dining room. These cracks just started when the street started being dug up. We can not hang a new door on the front of our home, because every time we attempt to hang one it does not work right! We thought we were doing something wrong until we talked to some other people in town and found out they were having the same problems with hanging doors and big cracks in their houses also! We are not bringing this to you as money hungry scavengers; we are all parents trying to give our children a good, safe home. We have dealt with the fumes, the holes, & the cracks in the ceiling's long enough. What would be wrong with moving everyone off the property- getting the families away from the fumes, the broken pipes, and the PLUME on our water table then take the time you need to fix the problems, If this had been done 20 years ago or even in the 1990's you might not have as big a problem now as you do!! It is time for everyone involved to get over all of the "IT'S NOT OUR FAULT" and take care of the problem NOW. Your solution of the recovery system might be great 5-10 years down the road but what about the people that are living here now. The health problems, Kids with bloody noses, people suffering from migraine headaches, most are health issues that have just surfaced in the past 5 years. There seems to be a similarity with the past 5 years and the health issues. Do you honestly think that putting a recovery system in some people's homes and not all homes is going to help? What about the people that do not have recovery systems? Or is this going to be a requirement to be able to live in Hartford? That is not solving the problem. The logical solution would be clear the families off the property and FIX THE PROBLEM like it should have been done years ago.

My concerns and personal thoughts are that drilling holes in the floors and making air pockets under the foundation's corner stones, will weaken the stability of the home. Regarding the pilot system it self pipes and exhaust fans or blowers not only being a structural eye sore, but also changing the architectural structure of the homes. This would also effect utilities from powering the exhaust systems. I also think that having pipes venting petroleum fumes from the roofs of our homes could cause risk of fire or explosion from electrical storms or any igniter form.

When it comes to the bottom line our soil is contaminated with petroleum for this is a fact. While putting contraptions on our homes is not going to change the fact, that our homes value status under these condition's are worthless on the sales market. Some of the residents of Hartford have lived here for years, and raised children under these environmental conditions. They have probably paid their mortgages or retired from their jobs, and are ready to settle down and enjoy life. Some of us would like to relocate some time in our life for retirement, job relocation, or out growing their homes. The plume situation is robbing people of this advantage or choice of life.

Thank You